

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. APPLN. NO. 10/751,102

REMARKS

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, because the word "namely" is a good English word having a very definite dictionary meaning of "specifically". Where the syntax of an involved claim does not require extensive amendments, Applicant has deleted the word "namely". In other claims where deleting of "namely" would involve extensive other amendments to maintain the proper syntax, "namely" has been changed to "specifically".

N.B. For the record, Applicant states that limitations introduced by the term "namely" are perfectly clear and definite and that "these limitations are required in the claims", notwithstanding the Examiner's assertion to the contrary.

Applicant cancels claim 23 and adds its limitation to claim 15, thereby effectively canceling original claim 15 and making the amended claim 15 equal to claim 15 plus the canceled claim 23.

Thus, the rejection of original claims 15 and 20 under 35 U.S.C. § 102(b) as being anticipated by Collin '080 has been rendered **moot**.

Therefore, the only rejections remaining for consideration are those of claim 23 (and the claims dependent thereon) under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Collin '080 and over Estelle '891 in view of Heide '818, and also the alternative specific rejection of claim 25 (25/15/23) as being unpatentable (obvious) over Collin in view of Heide '818.

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In short, Applicant respectfully submits that the subject matter of the amended claim 15 (15 + 23) would not have been obvious from any of the references cited by the Examiner in any combination.

The subject matter of the invention as defined in the amended independent claim 15 is the application of glue to packaging material, in particular to material webs from which blanks are severed, in particular blanks pursuant to Fig. 1 for the production of "bundle packs". A special feature of the invention is that it creates a precise configuration of the glue areas 16, 20 (Fig. 1) to be applied to the packaging material. According to the object on which the invention is based, the glue application in the region of the glue areas conforms precisely to the function of the glue position involved. In addition, various parameters must be observed on a case-by-case basis, such as glue viscosity as well as any varying thickness of the glue layer within a glue area.

In the invention, the glue areas, in particular the thickness of the glue layer, are configured by means of glue pressure. The glue pressure can therefore be controlled to the extent that the desired configuration for each glue area, in particular the layer thickness, can be influenced exclusively by means of the variable glue pressure. To this end, the individually addressable data are stored in the PC 54, specifically as glue pressure curves P_1 as a function of time, i.e., as a function of the gluing process that takes into account the conveying speed for the packaging material. Fig. 4 and Fig. 5 of the drawings provide examples for the gluing programs which are stored in the PC and which the operator can call up from the PC in accordance with the desired configuration of the glue areas. Accordingly, the gluing process according to the invention is internally arranged for adjusting the glue pressure during a work cycle, i.e., during

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the creation of the glue areas, specifically in order to conform to the prevailing conveying speed and other parameters. As can be seen in particular in Fig. 5, the process proceeds from a minimum pressure P_1 , which is increased by the corresponding opening of the pressure control valve 37 to attain the maximum pressure level to be applied in the respective case, specifically by taking into account the conveying speed of the packaging material, which is advanced in cycles, in other words, from a standstill to a maximum speed and then back to a standstill. In Fig. 4, this conveying characteristic is obtained from various conveying speeds and various sizes of the blanks. The possible pressure curves that account for this are given in Fig. 5.

Applicant respectfully submits that the subject matter of claim 15 cannot be derived from, and is not taught or suggested by, the prior art applied by the Examiner.

More specifically, the Examiner relies heavily on Collin '080 which relates to the gluing of packing material, in particular blanks made of thin cardboard for the production of hinge-lid cigarette packs. These blanks are provided with glue strips 8 that have various functions. The glue strips in the region of the front wall and rear wall of the pack, adjacent to the base wall, are used to fix the pack contents, namely a "cigarette block" (a group of cigarettes wrapped in an inner blank). The glue areas in the region of the side tabs 6 are used to connect the overlapping side tabs 4 and 6 to form the pack side wall. As an aside, it should be noted here that the layer thickness of the glue strip 8 is not critical in this field of application.

But what is decisive is that Collin treats a completely different topic with respect to regulating the application of glue. That is, Collin is concerned with the gluing process being correctly executed at the right time. Collin claims to achieve a precise "rate tune" with the

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corresponding control means, specifically one which takes into account the rate of blank transport and the given inertia of the assemblies, in particular during the opening and closing of the glue nozzles. Specifically, the objective is that the start of glue application (P_1) and the end of the gluing process (P_2) are strictly observed. For this, a control program was developed and stored. The regulation of the layer thickness of the glue strips is not a topic disclosed by Collin.

Collin's proposed device is equipped with a glue container 11, a glue pump 12 and a pressure regulator 13. However, Collin fails to provide any details of operation. It can be assumed that the pressure regulator 13 ensures that a constant, predetermined glue pressure is maintained in the region of the glue valve 14 and at the glue nozzles 16. In any case, Collin contains no proposals for altering the glue pressure in order to influence the layer thickness of glue during a gluing cycle or during a work cycle. Consequently, Collin contains no contribution for solving the problem on which Applicant's invention is based. Collin is merely concerned with regulating the start and finish of glue application.

Thus, Collin, as the only reference or as a primary reference in the rejections under 35 U.S.C. § 103(a) as applied to the amended claim 15 (15 + 23), is flawed as it does not teach or suggest the claimed subject matter, notwithstanding the Examiner's conclusory assertion to the contrary that "connection to a PC...would...have been obvious".

Since the remaining claims 16-22, 24 and 25 are dependent on the amended claim 15, these claims also are patentable (non-obvious) over the rejections employing Collin as a reference.

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As for the rejection of claim 23 as being unpatentable over Estelle in view of Heide, Applicant has discussed/analyzed these references in Applicant's previous response which is still valid and which is incorporated herein by reference.

In this regard, Applicant notes that the Examiner **admits** "Estelle et al does not specifically teach that glue pressure is adjusted by a PC connected to the system control 42". The Examiner's statement that, "It is the Examiner's position that it would have been obvious to one of having ordinary skill in the art to have provided input via a PC..." is merely conclusory and is not supported by Estelle's disclosure; that is, in effect, the Examiner apparently has concluded that claim 23 is obvious merely because, in the Examiner's opinion, it is obvious.

If Examiner maintains her position, Applicant respectfully requests the Examiner, without using hindsight gained from the knowledge of Applicant's own disclosure, more explicitly to define the Examiner's conclusory statement of obviousness.

In summary, then, and for the reasons presented above, Applicant respectfully requests the Examiner to reconsider and withdraw all objections and rejections, and to find the application now to be in condition for allowance with claims 15-22, 24 and 25; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

The above amendments were not earlier made because they were not considered necessary or desirable until "the new ground(s) of rejection [were] presented in this Office Action". In any event, the proposed amended claims do not raise any new issue which would

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require further consideration and/or search by the Examiner. In this regard, Applicant notes that the proposed amended claim 16 is effectively previously claim 23 (23/16/15). Other proposed claim amendments are made to respond to the 35 U.S.C. § 112/2d rejection and to avoid other possible 112/2d issues noted by the undersigned attorney.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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